

## **REMARKS:**

### **I. Introduction**

In the final Office Action mailed on February 7, 2005, the Examiner rejected claims 1 to 12, 15, 16, and 20 to 24. The present amendment cancels no claims, amends claims 1, 8, and 20, and adds no new claims. Accordingly, claims 1 to 12, 15, 16, and 20 to 24 remain pending in this application.

### **II. Claim Rejections Based on 35 U.S.C. § 102(b)**

In the final Office Action dated February 7, 2005, the Examiner rejected claims 1, 2, 7 to 12, and 20 to 24 under 35. U.S.C. § 102(b) as anticipated by Rethorn (US 1,131,553). The Examiner stated that Rethorn discloses "a brace (24) movable along the tines from a first position to a second position, thereby changing the effective stiffness of the tines (see Fig. 2)." The Examiner also stated that Rethorn discloses "a locking device (28) releasably securing the brace to the head in the first and second positions".

In Applicant's response dated May 2, 2005, applicant indicated that Independent claim 1 and claims dependent therefrom are allowable because they each include the limitation of "a brace movable along the tines between first and second positions to change effective stiffness of the flexible tines" (emphasis added) and "a locking device releasably securing the brace to the head in the first and second positions" (emphasis added).

In the Advisory Action dated June 1, 2005, the Examiner stated that "[g]iven that the rake tines have an inherent amount of flexibility, it is clear that moving a brace from the

innermost portion of the tine to the outer extent of the cantilevered portion necessarily reduces the amount of possible flex of the tines” and “[t]hus, the brace in its outermost position (Fig. 2-phantom lines) acts to limit the movement of the tines”. However, the Examiner was entirely silent as to Applicant’s arguments regarding the locking device portion of the claims.

Even assuming the Examiner is correct with regard to Rethorn disclosing the limitation of changing the effective stiffness of the flexible tines, a fact that Applicant expressly disputes, independent claim 1 and claims dependent therefrom are still allowable because they each include the limitation of “a locking device selectively operable to releasably secure the brace to the head in each of the first and second positions to prevent movement of the brace relative to the tines”. No prior art of record reasonably discloses or suggests the present invention as currently defined by independent claim 1. Rethorn discloses a handle (28) that moves the brace (24) outwardly along the tines (16) when manipulated against the bias of a spring (26) to push off any leaves etc. that are impaled on the tines (16). See Rethorn, lines 81 to 91. When the handle (28) is released, the spring (26) resiliently returns all the components, including the brace (24), to their normal or storage position. See Rethorn, lines 92 to 95. The brace (24) cannot be secured in the outermost position along the tines (16). Thus, at most, the brace (24) of Rethorn is releasably secured to the head (15) in only one position. The brace cannot be secured in any other position than the normal or storage position. It is noted that there is no need to ever secure the brace (24) of Rethorn in any other position but its normal position because the brace (24) is not utilized during raking of leaves. The brace (24) is used to clean the tines (16) of leaves after raking leaves. Reconsideration and withdrawal of the rejection is requested.

Independent claim 20 and claims dependent therefrom are allowable because they each include the limitation of "a locking device selectively operable to releasably secure the brace to the head in each of the first and second positions and at locations between the first and second positions to prevent movement of the brace relative to the tines." No prior art of record reasonably discloses or suggests the present invention as currently defined by independent claim 20. See discussion above with regard to independent claim 1. Reconsideration and withdrawal of the rejection is requested.

### **III. Claim Rejections Based on 35 U.S.C. § 103(a)**

In the final Office Action dated February 7, 2005, the Examiner rejected claims 3 to 6, 15, and 16 under 35. U.S.C. § 103(a) as unpatentable over Rethorn (US 1,131,553).

Claims 3 to 6, 15 and 16 are allowable as depending from allowable claim 1 as discussed above and independently allowable for novel and nonobvious matter contained therein. Reconsideration and withdrawal of the rejection s requested.

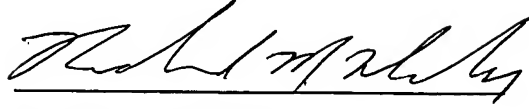
### **IV. CONCLUSION**

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our

Deposit Account No. 16-2326.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard M. Mescher", written over a horizontal line.

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Page 9 of 9 pages